

**Minutes
of the
Stormwater Management Committee (SWMC)
June 5, 2014**

**8:00 AM
1600 Second Avenue North
Metro Water Services Administration Building, 2nd Floor Conference Room**

STORMWATER MANAGEMENT COMMITTEE

(Quorum Required: Four Members)

Committee Members Present:

Mr. Roy Dale, P.E. – Chairman
Mr. Dodd Galbreath
Ms. Anna Maddox, P.E.
Mr. Slade Sevier, P.E.
Mr. Monte Turner
Mr. Lance Wagner, P.E.

Committee Members Absent:

Ms. Elaine Bright – Vice Chairman

I. CALL TO ORDER

The meeting was called to order at 8:20 a.m.

II. APPROVAL OF MAY 1, 2014 MEETING MINUTES AND DECISION LETTERS

Mr. Lance Wagner moved and Mr. Slade Sevier seconded the motion to approve the May 1, 2014 meeting minutes and decision letters with correction to the grading permit number for the Nashville Zoo – Main Entrance Phase 2. Mr. Roy Dale, Ms. Anna Maddox, Mr. Sevier, Mr. Monte Turner, and Mr. Wagner approved the motion. Mr. Dodd Galbreath abstained from the vote because he did not attend the meeting.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

Comments were solicited from the Planning and Codes Departments for the following Agenda item.

1. 201400008

HG Hill – Hill Center Multi-Family
Preliminary Stormwater Management (SWM) Plan
2229 Bandywood Drive and 4010 Hillsboro Circle
APNs: 11714012200 and 11714016400
Inspector: Phil Saad

CD-25 (Sean McGuire)

Mr. Slade Sevier recused himself from the case stating that the owner of the property is a client, and Ms. Anna Maddox recused herself from the case stating that she works for the civil engineer on the project.

APPLICANT'S REQUEST – Preliminary stormwater management (SWM) plan approval is requested. The preliminary plan includes a variance request to allow the following:

- 1) Disturbance of the floodway and 75' floodway buffer (50' Zone 1 and 25' Zone 2) of Sugartree Creek for construction and encroachment of: a) a portion of multi-story residential building (to cantilever over the floodway), b) portions of surface level and upper level parking, c) public sidewalk, and d) installation and maintenance of bioretention area between the street and sidewalk.
- 2) Continuous mowing and maintenance of the buffer.
- 3) Use of modified buffer signage.

APPELLANT: Barge Cauthen & Associates

REPRESENTATIVE: Mr. Dan Barge, III (substituting for Mr. John Gore)

Statement of Hardship: Due to the small size and irregular shape of this parcel, there is no feasible way to redevelop it without disturbing the 75' buffer from the floodway of Sugartree Creek. The existing parcel is 100% developed with no storm water facilities, thus the proposed project would greatly benefit the quality of storm water runoff which reaches Sugartree Creek, and also reduce the quantity.

Alternate Plan or Reason why an Alternate Plan is Not Possible: Is not required in a request for preliminary plan approval, but the property is only 0.76 acres, and the majority of the parcel is encumbered by the buffer, so there is no way to redevelop the property without disturbing the stream buffer (which is all existing pavement).

Proposed Mitigation: The site is proposed to be treated with bioretention; however, a green roof and cistern are proposed above the normal stormwater requirements.

COMMENTS:

SW Staff: Staff comments are as noted:

Although the proposed green roof and cistern are acceptable to Staff, there is question as to the appropriateness of bioretention in the floodway. The depth from the bottom of the bioretention to the seasonally high water table is unknown. A minimum depth of 2' is required. Has a site evaluation been done to determine if the 2' requirement can be met with these bioretention cells?

Staff notes that based on the range of BFE = 543.3' – 546.3' and the elevation of ground level parking = 540', the area could be inundated with 3' – 6' of water during a 100-year flood event. Given the special considerations for the site, the applicant should ensure the project is built appropriately per plan. Staff suggests the installation of warning signage (to be reviewed and approved by Staff) for resident notification.

In lieu of installing standard “no-disturb” buffer signage, the applicant is proposing placement of educational signs near the bioretention areas along Hillsboro Circle. This is an acceptable substitution to Staff given how the buffer involves a road in that area.

CODES: No comment provided.

PLANNING: Approved.

GREENWAYS: Greenways will defer to Stormwater staff comments on this request at this time.

Mr. Dan Barge, III gave an overview of the project and variance requests. Mr. Paul Plummer (architect) and Ms. Kim Hawkins (landscape architect) were also in attendance.

Mr. Barge stated that the project would reduce impervious area from approximately 90% (existing) to 50% (final).

Ms. Hawkins stated that there was an incorrect item on the Plan of Record. In the legend it states “green street bioretention, etc.” They originally planned to work out a green street solution but that required coordination with another Metro department. They decided to eliminate that and do it totally within the site.

Responding to staff comments, Mr. Barge stated that 1) they have done enough site evaluation to believe they can achieve an adequate two foot-depth in the bioretention cells, 2) they understand the concern about the appropriateness of bioretention in the floodway; however this floodway is unique. It is mapped as floodway, but they have not seen it function like a floodway because of the crowned roadway of Hillsboro Circle. His client is willing to certify that he will replace plants as necessary, 3) with respect to shallowness of the groundwater table,

they can look into that per Staff's comment, 4) with respect to inundation of 3'- 6' of water during the 100-year flood, there will be warnings, notifications, and alarms in the garage, and 5) with respect to buffer signage, they would like to do something more interactive than just the identification signs.

There was discussion regarding the most recent modeling of the floodway shown on the Plan of Record. The floodway shown was recently updated after the 2013 preliminary maps prepared by the Corps of Engineers.

Mr. Dodd Galbreath asked what chance is there that the green roof would go away, to which Mr. Barge responded that HG Hill wants to do the green roof unless prohibited by the structure design. It is part of the mitigation.

Mr. Monte Turner stated that it is an improvement over existing conditions, and Mr. Galbreath and Mr. Lance Wagner were in agreement, although Mr. Wagner was concerned about life, health, and safety in a 100-year scenario. There was further discussion about parking and notification and safety/evacuation of residents both before and during a 100-year event. Mr. Michael Hunt (Stormwater – NPDES) did reference the August 2013 flood event in the Madison area and stated that localized flash flooding may need to be considered in the design of a warning system. He encouraged the Committee that if a warning system is important to them, they should include it in the conditions.

Mr. Roy Dale asked about the floodway and what would happen if it changed in the future and moved over the building. There was discussion regarding the structure meeting compliance with floodplain regulations and flood insurance rates. Future development could be impacted if the base flood elevation increases. Mr. Barge stated that the units will be apartments with HG Hill as the owner.

Mr. Dale asked if there would be uncompensated fill to which Mr. Barge responded that they were actually lowering the site slightly with the garage. Mr. Wagner stated that he would want to see a no-rise study completed and reviewed by Staff prior to the applicant returning to the Committee. There was additional discussion about density, parking, and the existing streambank.

After discussion during the Executive Session of the Committee on June 5, 2014 and review of the information presented, Mr. Monte Turner made a motion to approve the preliminary stormwater management (SWM) plan as presented with the following conditions:

1. The Appellant shall submit a warning plan with the final submittal.
2. The Appellant shall submit full details on the green roof, water harvesting feature, and bioretention with the final submittal.

The reason for approval is that a green roof, water harvesting tank, and bioretention are incorporated in the design.

Mr. Lance Wagner stated that the future floodway as shown is not the official, approved floodway for Metro right now but will be the future one, and what is shown now is more stringent. Staff stated that Stormwater regulates to the more stringent study based on best available data.

The motion was seconded by Mr. Dodd Galbreath. The motion was approved by Mr. Roy Dale, Mr. Galbreath, Mr. Monte Turner, and Mr. Lance Wagner.

IV. ITEMS OF BUSINESS

Stormwater staff provided an update on the status of 4225 Whites Creek Pike (Owner: Fontanel Properties, LLC). A recent Notice of Violation/Stop work Order was issued May 9, 2014 (for grading/filling without permit, inadequate EPSC measures, and crossing a tributary prior to issuance of any grading permit). A previous variance (SWMC #201300022, Fontanel – IHG Resort) was granted on December 5, 2013, and the grading permit application (SWGR #T201300219, Fontanel IHG Resort) is under Stormwater sufficiency review.

There was discussion regarding the activity associated with the recent NOV, previous grading permits, past variances granted, possible failure to comply with one of the conditions of the latest variance, and whether or not revocation of the variance should be considered as a possible future action. The Committee requested that the Secretary send a letter to the property owner to have them attend the next meeting and provide an explanation of the events related to the NOV and include as a July 10th agenda item with a possible vote to consider revoking the variance.

V. ADJOURNMENT

The meeting was adjourned at 10:29 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____